

SYNOPSIS: This bill would establish the McClellan Development Authority and provide for its membership, powers, and duties. This bill would make legislative findings regarding the economic development of certain property that formerly comprised Fort McClellan.

This bill would provide for the operational area of the authority in the City of Anniston and Calhoun County. This bill would provide that a board of directors appointed by the Governor, the City Council of the City of Anniston, and the Calhoun County Commission to manage the affairs and property of the authority.

This bill would authorize the authority to develop, sell, lease, convey, and otherwise dispose of property in the possession of the authority. This bill would authorize the authority to perform environmental remediation.

This bill would authorize the authority to issue bonds.

1 This bill would limit the liability of the
2 authority, its officers, employees, and agents from
3 liability for certain acts.

4 This bill would exempt from state public
5 lands sales requirements, certain sales of the
6 property that formerly comprised Fort McClellan.

7 This bill would exempt the authority from
8 certain laws related to usury and interest rates.
9 This bill would provide an exemption from taxation
10 to the authority. This bill would provide that the
11 authority is subject to all open meetings and
12 public records requirements and would require an
13 annual audit of the authority by a CPA.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 To establish the McClellan Development Authority; to
20 make legislative findings; to provide for the qualifications,
21 appointments, and terms of the board of the authority; to
22 provide for the purposes, powers, and duties of the authority;
23 to provide for the operational area of the authority in the
24 City of Anniston and in Calhoun County; to authorize the
25 authority to issue bonds; to limit the liability of the
26 authority and provide immunity to the board and employees of
27 the authority for certain acts; to provide that the authority

1 is subject to the competitive bid and public works bid laws;
2 to exempt the authority from certain taxes and from usury and
3 interest laws; to provide for an exemption from certain public
4 lands sales requirements; to provide that the authority is
5 subject to the state open meetings and public records laws;
6 and to provide for the dissolution of the authority and
7 disbursement of its assets upon dissolution.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. There is created the McClellan
10 Development Authority which shall be a public corporation.

11 Section 2. The Legislature makes the following
12 findings:

13 (1) That the economic development of the property
14 comprising the former Fort McClellan military installation is
15 of vital importance to the life, health, and welfare of the
16 citizens of the City of Anniston, Calhoun County, and the
17 State of Alabama.

18 (2) That, pursuant to the requirements of the
19 federal Defense Base Closure and Realignment Act of 1990, Pub.
20 L. 101-510, 10 U.S.C. § 2687, and all applicable federal law
21 and regulations, the Department of Defense requires the
22 establishment of a single local reuse authority capable of
23 managing and promoting the reuse and economic development of
24 the Fort McClellan property after the closure of the base.

25 (3) That an Alabama court has ruled invalid a
26 previous entity known as the Anniston-Calhoun County Fort
27 McClellan Development Joint Powers Authority (JPA) which was

1 formed to manage and promote the economic development of the
2 Fort McClellan property. The court also held that its order
3 was not intended to impede or disrupt any contracts entered
4 into by the JPA.

5 (4) That in consideration of the federal base
6 closure requirements, the critical need for a valid and fully
7 authorized entity to develop the Fort McClellan property and
8 perform environmental restoration and remediation activities
9 under existing and future agreements, contracts, and orders,
10 and the need for a successor to the JPA, the Legislature has
11 created the McClellan Development Authority as an entity
12 empowered to assist Calhoun County and the City of Anniston in
13 promoting industry, trade, and economic development pursuant
14 to Amendments 415 and 563 to the Constitution of Alabama of
15 1901, now appearing as the Official ReCompilation of the
16 Constitution of Alabama of 1901, as amended, Local Amendments,
17 Calhoun County, Sections 4 and 5.

18 (5) That the Legislature intends that this act be
19 liberally construed to conform with the purposes of the
20 authority.

21 Section 3. The McClellan Development Authority is
22 created for the purposes of acquiring, holding, improving,
23 installing, constructing, owning, leasing, developing,
24 performing environmental restoration and remediation, selling
25 and otherwise disposing of the real and personal property
26 within its authorized operational area as defined in Section 4
27 for any use, subject to governmental land use restrictions or

1 authority. Permissible uses of the property shall include,
2 without limitation, industrial, commercial, business, parking,
3 educational, cultural, artistic, retail, research and
4 development, recreational, and residential uses and may
5 include the construction of homes, apartments, town houses,
6 condominiums, hotels, and motels, and other structures, which
7 the authority deems appropriate for promoting industry, trade,
8 and economic development in Calhoun County, the City of
9 Anniston, and the State of Alabama.

10 Section 4. The authorized operational area of the
11 McClellan Development Authority shall be comprised of the
12 parcels of realty, previously conveyed to the United States of
13 America, which formerly comprised the Fort McClellan property,
14 and all property in adjacent areas of close proximity to the
15 Fort McClellan property that is within the city limits of the
16 City of Anniston and is necessary or convenient to carry out
17 the purposes of the authority.

18 Section 5. (a) The authority shall operate under the
19 direction of a board of directors which shall consist of 11
20 voting members selected as follows:

21 (1) One member appointed by the Governor.

22 (2) Five members appointed by the City Council of
23 the City of Anniston.

24 (3) Five members appointed by the County Commission
25 of Calhoun County.

26 (b) A vacancy occurring on the board for any reason
27 shall be filled within 45 days of the vacancy by the

1 appointing authority making the initial appointment. If the
2 appointing authority that made the original appointment does
3 not fill the vacancy within 45 days, the remaining two
4 appointing authorities may jointly make the appointment.

5 (c) Initial appointments to the board shall be made
6 within 45 days following the effective date of this act. The
7 Governor's initial appointee shall serve a three-year term.
8 The city council shall designate two of its initial appointees
9 to serve three-year terms, two of its initial appointees to
10 serve two-year terms, and one initial appointee to serve a
11 one-year term. The county commission shall designate two of
12 its initial appointees to serve three-year terms, two initial
13 appointees to serve two year terms, and one initial appointee
14 to serve a one-year term. Thereafter, each successor board
15 member shall serve a term of three years. Each board member
16 shall serve until a successor is appointed, qualified, and
17 assumes office, or until the board member ceases to serve as a
18 director pursuant to subsection (h). All successor
19 appointments shall be made by the appointing authority
20 entitled to make the initial appointment. A board member may
21 be reappointed at the end of his or her term.

22 (d) Each director shall fulfill all of the following
23 requirements:

24 (1) Reside within Calhoun County or within the
25 corporate limits of any municipality whose corporate limits
26 lie in whole or in part within Calhoun County.

27 (2) Not hold any elective office.

1 (3) Be a duly qualified elector of Calhoun County or
2 the municipality in which he or she resides.

3 (e) The first organizational meeting of the board
4 shall be held within 14 days following the initial appointment
5 of all of the directors. At the organizational meeting, the
6 board shall elect officers from among its members, including a
7 chair, vice chair, treasurer, secretary, and such other
8 officers as the board deems necessary or desirable. The board
9 may prescribe in its bylaws the terms, powers, and duties of
10 the officers. At the initial meeting the board shall determine
11 its meeting schedule. Board members shall serve without
12 compensation and shall be entitled to expense reimbursement
13 only upon prior approval of a majority of the board. The board
14 may approve reimbursement only of the actual, reasonable, and
15 necessary expenses incurred in the performance of duties.

16 (f) A majority of the members of the board shall
17 constitute a quorum for the transaction of business. The
18 members may act only upon a majority vote of the members
19 making up the quorum. If a quorum is present when a meeting is
20 convened and the subsequent withdrawal of members during the
21 meeting leaves less than a quorum, the remaining members
22 present may not take action except to continue the meeting for
23 the purpose of engaging in debate and discussion and to
24 adjourn the meeting by a vote of the majority of the remaining
25 members present.

26 (g) The board or any committee thereof may meet by
27 telephone conference or other electronic means as long as the

1 meeting complies with the Open Meetings Act, Chapter 25A of
2 Title 36, Code of Alabama 1975.

3 (h) Unless otherwise provided, a member of the board
4 shall cease to be a member immediately upon the occurrence of
5 any of the following:

6 (1) For any reason other than an illness which is
7 documented in writing to the authority by a physician, the
8 board member is absent for more than 25 percent of the
9 scheduled board meetings in any consecutive 12-month period.
10 The board member shall cease to be a member on the last day of
11 the month following the month in which he or she missed more
12 than 25 percent of the scheduled board meetings.

13 (2) The board member is found guilty by a court of
14 competent jurisdiction of willful or wanton misconduct or
15 fraud in connection with the discharge of his or her duties,
16 or of civil or criminal fraud or the board member is convicted
17 of a felony. In the case of any of the foregoing, the board
18 member shall cease to serve immediately.

19 (3) The board member ceases to reside within Calhoun
20 County or within the corporate limits of any municipality
21 whose corporate limits lie in whole or in part within Calhoun
22 County.

23 (4) The board member is elected to any public
24 office.

25 (5) The board member ceases to be a qualified
26 elector of Calhoun County or the municipality in which he or
27 she resides on the date of the appointment.

1 (i) Any vacancy on the board occurring pursuant to
2 subsection (h) of this section shall be filled as provided in
3 subsection (b).

4 Section 6. All board members, officers, and
5 employees of the authority shall be deemed public officers and
6 public employees for the purposes of Chapter 25, commencing
7 with Section 30-25-1 of Title 36 of the Code of Alabama 1975.
8 The board may adopt additional ethics policies and procedures
9 for defining and addressing possible and actual conflicts of
10 interest between the authority and its officers, board
11 members, and employees with respect to transactions in which
12 the authority is or may be interested.

13 Section 7. The McClellan Development Authority shall
14 have the following powers and duties together with all powers
15 and duties incidental thereto or necessary to the discharge
16 thereof:

17 (1) To sue or be sued and to prosecute and defend in
18 any court of competent jurisdiction.

19 (2) To adopt and to use a corporate seal and to
20 alter the seal at pleasure.

21 (3) To adopt and alter bylaws for the regulation and
22 conduct of its affairs and business.

23 (4) With respect to property within the operational
24 area of the authority, to acquire, receive, and take title to
25 by purchase, gift, lease, devise, or otherwise, to hold, keep,
26 improve, maintain, and impose restrictive covenants and land
27 use controls, to engage in environmental remediation and

1 restoration efforts as required under applicable agreements
2 with the U.S. Department of Defense, to equip, furnish,
3 develop, and to transfer, convey, donate, sell, lease, grant
4 options to, assign, encumber with easements and mortgages and
5 other security agreements, or otherwise convey or dispose of
6 property of every kind and character, real, personal, mixed,
7 tangible, and intangible, and any interest therein, with
8 adequate consideration as determined by the authority, given
9 to tangible and intangible factors.

10 (5) To make, enter into, and execute such contracts,
11 agreements, cooperative agreements, leases, loan agreements,
12 orders, mortgages, deeds, and other legal arrangements and to
13 take such actions as may be necessary or convenient in the
14 furtherance of any purpose of the authority or in the exercise
15 of any power granted to it. Neither Calhoun County nor the
16 City of Anniston, nor any member of the governing body of or
17 any officer of either Calhoun County or the City of Anniston,
18 shall be liable for the repayment of any indebtedness of the
19 authority incurred pursuant to this subdivision.

20 (6) To borrow money for any authority purpose,
21 function, or use and to issue in evidence of the borrowing,
22 bonds, notes, warrants, or other debt obligations, hereinafter
23 referred to in this act as bonds, including, without
24 limitation, refunding bonds.

25 (7) To pledge for the payment of any bonds issued or
26 obligations assumed by the authority any revenues from which
27 those bonds or obligations are made payable and to execute and

1 deliver security for the bonds and obligations, mortgages,
2 deeds of trust, trust indentures, and pledge indentures as
3 provided for by law.

4 (8) To provide for such insurance as the authority
5 may deem advisable.

6 (9) To invest any of its funds deemed by the
7 authority to be not presently needed in the operation of its
8 properties and undertakings in bonds, bills, notes, or other
9 obligations of the United States of America or any agency
10 thereof, bonds of the state, bonds of any county or
11 municipality within the state, interest-bearing deposits in
12 banks and savings and loan institutions, any obligations in
13 which a state chartered savings and loan association may
14 invest its funds, any agreement to repurchase any of the
15 foregoing, or any combination thereof.

16 (10) To contract, cooperate, or both, with the
17 United States of America and any agency or instrumentality
18 thereof, or any state and any agency, instrumentality, or
19 political subdivision thereof.

20 (11) To accept gifts, grants, bequests, or devises
21 of money and tangible and intangible property consistent with
22 the purposes and powers of the authority.

23 (12) To convey property for public purposes, with or
24 without consideration, to the State of Alabama and its
25 agencies and instrumentalities, the United States of America
26 and its agencies and instrumentalities, Calhoun County, the
27 City of Anniston, the Anniston Industrial Development Board,

1 the Calhoun County Economic Development Council, or their
2 successors, and to dedicate roadways, parks, easements, or
3 other public facilities.

4 (13) To apply for and accept from any federal,
5 state, county, or municipal government or agency or any other
6 public or private source, loans, grants, guarantees, or other
7 financial assistance in furtherance of the authority's purpose
8 under such conditions as may be provided by the source.

9 (14) To enter into agreements with the federal
10 government or any agency thereof to use its facilities or its
11 services in order to carry out the public purposes of the
12 authority.

13 (15) To contract with the State of Alabama, its
14 agencies or institutions, or any county or local government
15 for the use by the authority of any facilities or services or
16 to contract or to provide any facilities or services to the
17 state, its agencies or institutions, or any county or local
18 government entity.

19 (16) To extend credit or make loans to any person,
20 corporation, partnership, or other entity for all or part of
21 the costs of any project which substantially advances or
22 enhances the development and reuse of the Fort McClellan
23 property. The credit or loans extended may be secured by a
24 loan agreement, note, mortgage, deed to secure debt, trust
25 deed, security agreement, assignment, or other instrument, or
26 by a rental, or by revenues, fees, or charges, upon such terms
27 and conditions as the authority shall determine to be

1 reasonable. The agreement may include a provision for the
2 establishment and maintenance of reserve funds. In the
3 exercise of powers granted herein, the authority may include
4 in any such loan agreement, note, mortgage, deed to secure
5 debt, trust deed, security agreement, assignment, or other
6 instrument requirements for guaranty of any obligations,
7 insurance, construction, use, operation, maintenance, and
8 financing of the project, and such other terms and conditions
9 as the authority may deem necessary or desirable.

10 (17) To appoint, employ, contract with, and
11 compensate such employees, agents, engineers, auditors,
12 attorneys, underwriters, issuers of letters of credit,
13 depositories, banks, trustees, remarketing agents, rating
14 agencies, insurers, and guarantors of its debt obligations,
15 providers of other forms of credit enhancement for its debt
16 obligations, contractors, consultants, and fiscal advisors, as
17 the board shall deem necessary for the conduct of the business
18 of the authority.

19 (18) To make or contract for long-range plans or
20 proposals for economic development or environmental
21 restoration.

22 (19) To make surveys and other economic analyses.

23 (20) To plan, undertake, and complete environmental
24 restoration and to engage in environmental remediation of
25 property.

26 (21) To grant and receive indemnities.

1 (22) To require by lease, contract, or agreement the
2 payment of fees in lieu of ad valorem taxes designated for
3 educational and other purposes to be levied by Calhoun County
4 and the City of Anniston for distribution to Calhoun County
5 and the City of Anniston, respectively.

6 (23) To exercise any power granted by the laws of
7 this state to a public or private corporation which is not in
8 conflict with the purposes of the authority.

9 (24) To do all things necessary or convenient to
10 carry out the purposes and powers conferred by this act.

11 Section 8. The authority shall hire an independent
12 certified public accounting firm to examine its books and
13 records and render a written audit report annually.

14 Section 9. (a) Bonds of the authority shall be
15 signed by the chair or vice chair and attested by the
16 secretary or assistant secretary. The seal of the authority
17 shall be affixed thereto. A facsimile of the signature of the
18 officers may be printed or otherwise reproduced on any such
19 bonds in lieu of being manually subscribed thereon, and a
20 facsimile of the seal of the authority may be printed or
21 otherwise produced on any such bonds in lieu of being manually
22 affixed thereto, provided that the bonds have been manually
23 authenticated by a transfer agent of the bonds issued.
24 Delivery of the bonds so executed shall be valid
25 notwithstanding any subsequent changes in officers or in the
26 seal of the authority.

1 (b) Bonds may be executed and delivered by the
2 authority at any time. The bonds shall be in such form and
3 denominations and of such tenor and maturities, shall bear
4 such rate or rates of interest or no interest, shall be
5 payable at such times, and shall be payable and secured by
6 such revenues, funds, assets, pledges, agreements, or other
7 property, and evidenced in such manner, and may contain such
8 other provisions not inconsistent with this act as may be
9 provided by resolution of the board. The bonds may bear
10 interest at a fixed or variable rate. The authority may issue
11 tender bonds or similar bonds and enter into appropriate
12 remarketing agreements with respect to any of its bonds and
13 the determination of the rate of interest borne by the bonds.
14 The bonds of the authority may be sold at either public or
15 private sale in the manner, at the price, and at the time as
16 determined by the board to be most advantageous.

17 (c) The proceeds from the sale of any bonds shall be
18 applied as provided in the agreement authorizing the bonds to
19 be issued, including, without limitation, the payment of all
20 legal, fiscal, recording, and other fees and expenses incurred
21 in connection with the authorization, sale, and issuance of
22 the bonds and, if provided in the agreement, interest on the
23 bonds. The authority may provide for the funding of a debt
24 service reserve, a replacement and reserve, or both, and for
25 letters of credit, bond insurance, guaranties, and other forms
26 of credit enhancement from the proceeds of its bonds or from
27 other funds.

1 (d) The bonds shall be legal investments for funds
2 of the Teachers' Retirement System of Alabama, the Employees'
3 Retirement System of Alabama, and the State Insurance Fund.

4 (e) Public persons other than members of the
5 authority or its appointing bodies may invest in any bond
6 issued by the authority.

7 (f) Upon the adoption by the board of any resolution
8 providing for the issuance of bonds, the board shall cause to
9 be published once a week for two consecutive weeks in a
10 newspaper of general circulation published in Calhoun County a
11 notice in substantially the following form at the end of which
12 shall be printed the name and title of the chair, vice chair,
13 secretary, or assistant secretary of the authority: "McClellan
14 Development Authority, a public corporation under the laws of
15 the State of Alabama, on the _____ day of _____,
16 authorized the issuance of not more than \$ ____ principal
17 amount of [insert the appropriate designation describing the
18 bonds, notes, warrants, or other debt obligations] of the
19 authority for purposes authorized in the act of the
20 Legislature of Alabama under which the authority was
21 organized. Any action or proceeding questioning the validity
22 of the bonds, any pledge or mortgage to secure the same, any
23 lease or sale of any project to be financed by the bonds, or
24 the proceedings authorizing the same must be commenced within
25 20 days after the first publication of this notice." Any
26 action in any court to set aside or question the issuance of
27 the bonds notice, or to contest the validity of the bonds or

1 of any pledge or mortgage made therefor or of any lease or
2 sale of any project to be financed by the bonds must be
3 commenced within 20 days after the first publication of the
4 notice. After the expiration of the 20 days, no cause of
5 action, counterclaim, setoff, or defense questioning the
6 validity of the bonds, or of the pledge, mortgage, lease, or
7 sale of the project to be financed by the bonds shall be
8 asserted, nor shall the validity of the bonds, or of the
9 pledge, mortgage, lease, or sale of the project to be financed
10 by the bonds be open to question in any court on any ground
11 whatsoever except in an action that was commenced within the
12 20-day period.

13 Section 10. Neither Calhoun County nor the City of
14 Anniston, nor any member or officer of Calhoun County or the
15 City of Anniston, shall be liable for the payment of any
16 indebtedness of the authority or for the performance of any
17 pledge, mortgage, obligation, bond, or agreement of any kind
18 whatsoever which may be undertaken by the authority. No
19 indebtedness of the authority, pursuant to any of its
20 agreements or obligations shall be construed to constitute an
21 indebtedness of Calhoun County or the City of Anniston within
22 the meaning of any law whatsoever, unless Calhoun County or
23 the City of Anniston shall expressly obligate itself thereto.

24 Section 11. The authority shall not be liable for
25 damages for injury done to any person or corporation, unless
26 the injury was done due to the negligence of an agent,
27 officer, or employee of the authority while engaged in work

1 for the authority and while acting in the line and scope of
2 his or her duty, or unless the injury was done due to the
3 neglect, carelessness, or failure to remedy a defect in the
4 streets, alleys, drainage systems, or buildings of the
5 authority after the authority had been given notice of the
6 defect or after the defect had existed for such an
7 unreasonable length of time as to raise a presumption of
8 knowledge of the defect on the part of the authority. Whenever
9 the authority shall be made liable for damages by reason of
10 the unauthorized or wrongful acts or negligence or
11 carelessness of any person or corporation, then the person or
12 corporation shall be liable to an action on the same account
13 by the party so injured. No recovery may be had under any
14 judgment, whether direct or by way of indemnity or otherwise,
15 arising out of a single occurrence, against the authority, any
16 officer, employee, or agent thereof, in excess of a total one
17 hundred thousand dollars (\$100,000) per injured person up to a
18 maximum of three hundred thousand dollars (\$300,000) per
19 single occurrence, any other law notwithstanding. In no event
20 shall the authority be liable for punitive damages.

21 Section 12. Members of the board shall not be
22 subject to civil liability arising from the conduct of the
23 affairs of the authority except when the act or omission of
24 the member of the board amounts to willful or wanton
25 misconduct, fraud, or gross negligence. The authority, its
26 board, agents, and employees shall be entitled to all defenses
27 available under the doctrines of substantive immunity and

1 discretionary function immunity. It is the intent of this
2 section to grant members of the board the full immunity
3 provided noncompensated officers by Section 10-11-3, Code of
4 Alabama 1975.

5 Section 13. No part of the net earnings of the
6 authority remaining after payment of its expenses shall inure
7 to the benefit of any private entity.

8 Section 14. (a) If it is determined that it is not
9 possible for the authority to achieve all of the purposes for
10 which the authority was formed, the authority may be dissolved
11 by adoption by the board of a resolution that does all of the
12 following:

13 (1) Determines that it is not possible to achieve
14 all of the purposes for which the authority was formed.

15 (2) Determines that all debts and obligations of the
16 authority have been fully paid or extinguished.

17 (3) Recommends its dissolution.

18 (b) If it is determined that the authority has
19 achieved all the purposes for which the authority was formed,
20 the authority shall be dissolved by adoption by the board of a
21 resolution that does all of the following:

22 (1) Determines that it has achieved all of the
23 purposes for which the authority was formed.

24 (2) Determines that all debts and obligations of the
25 authority have been fully paid or extinguished.

26 (3) Recommends its dissolution.

1 (c) A dissolution under subsection (a) or (b) is
2 only effective upon approval by both Calhoun County and the
3 City of Anniston.

4 (d) Upon receiving the necessary approvals from the
5 county and the city, the chair and secretary of the authority
6 shall execute a certificate of dissolution reciting that
7 resolutions have been adopted and that the authority has been
8 dissolved. The certificate of dissolution shall be filed with
9 the office of the Judge of Probate of Calhoun County, who
10 shall record the certificate in an appropriate book. In the
11 event that the authority owns any assets or property at the
12 time of dissolution, whether voluntary or involuntary, title
13 to all its assets and property shall thereupon vest in the
14 City of Anniston.

15 Section 15. The authority, including, without
16 limitation, its property, the bonds and other securities
17 issued by the authority, the interest applicable thereto, and
18 the income therefrom, and all mortgages, indentures, and other
19 instruments executed as security therefor, and all deeds and
20 other documents delivered to the authority shall be exempt
21 from all state and local taxation, including, without
22 limitation, any license or excise taxes imposed on the
23 authority for the privilege of engaging in any of the
24 activities in which the authority may engage. The authority
25 shall not be obligated to pay any fees, taxes, or costs to the
26 judge of probate in connection with the recording or filing of

any deed or document. Except as provided in this section,
nothing in this act shall be construed to:

(1) Exempt any person, individual, corporation,
association, or entity from otherwise applicable state,
county, and municipal taxes, including, without limitation,
city and county ad valorem and sales and use.

(2) Limit or impair the taxing authority of the
State of Alabama, Calhoun County, or the City of Anniston,
including, without limitation, the application of existing
taxes such as city and county sales and use taxes levied on
retail sales within the authorized operational area of the
authority, or any taxes that may be levied in the future.

Section 16. Subject to acceptance by the authority,
Calhoun County and any municipality therein may convey to the
authority, with or without consideration, any real, personal,
mixed, tangible, or intangible property or assets that
previously comprised the property of Fort McClellan.

Section 17. The authority is exempt from all general
laws of the State of Alabama governing usury or prescribing or
limiting interest rates, including, without limitation,
Chapter 8 of Title 8 of the Code of Alabama 1975.

Section 18. The authority and all contracts made by
it shall comply with Sections 41-16-50 to 41-16-63, inclusive,
Code of Alabama 1975, requiring competitive bids in connection
with certain contracts.

Section 19. Notwithstanding any provision of law to
the contrary, the authority shall not be subject to Article 3

of Chapter 15 of Title 9, Code of Alabama 1975, regardless of the prior ownership of any property or interest therein to be disposed of in any fashion by the authority.

Section 20. The authority shall be considered an awarding authority within the meaning of Title 39, Code of Alabama 1975, and shall comply with all public works bid laws and other requirements applicable to an awarding authority.

Section 21. The authority shall be subject to the Open Meetings Act at Chapter 24 of Title 36 of the Code of Alabama 1975, and all public records requirements of the state, including Title 12 of Chapter 36 of the Code of Alabama 1975.

Section 22. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 23. This act shall become effective 45 days after its passage and approval by the Governor, or its otherwise becoming law.